

CHAPTER 195.

[H. B. 128.]

REBATING OF WAGES.

AN ACT relating to labor; declaring the rebating of wages, underpayment of agreed wages and certain deductions from wages to be unlawful; providing penalties and providing a civil remedy.

Be it enacted by the Legislature of the State of Washington:

Unlawful
acts.

SECTION 1. Any employer or officer, vice-principal or agent of any employer, whether said employer be in private business or an elected public official, who

(1) Shall collect or receive from any employee a rebate of any part of wages theretofore paid by such employer to such employee; or

(2) Wilfully and with intent to deprive the employee of any part of his wages, shall pay any employee a lower wage than the wage such employer is obligated to pay such employee by any statute, ordinance, or contract; or

(3) Shall wilfully make or cause another to make any false entry in any employer's books or records purporting to show the payment of more wages to an employee than such employee received; or

(4) Being an employer or a person charged with the duty of keeping any employer's books or records shall wilfully fail or cause another to fail to show openly and clearly in due course in such employer's books and records any rebate of or deduction from any employee's wages; or

(5) Shall wilfully receive or accept from any employee any false receipt for wages;

Penalty.

Shall be guilty of a misdemeanor. Any employee who shall accept or continue in the employment of any employer who is guilty of any of the above violations, with knowledge that such employer is guilty thereof, shall be guilty of a misdemeanor.

SEC. 2. The provisions of section 1 shall not make

it unlawful for an employer to withhold or divert any portion of an employee's wages when required or empowered so to do by state or federal law or when a deduction has been expressly authorized in writing in advance by the employee for a lawful purpose accruing to the benefit of such employee nor shall the provisions of section 1 make it unlawful for an employer to withhold deductions for medical, surgical, or hospital care or service, pursuant to any rule or regulation: *Provided*, That the employer derives no financial benefit from such deduction and the same is openly, clearly and in due course recorded in the employer's books.

Authorized deductions.

SEC. 3. Any employer and any officer, vice-principal or agent of any employer who shall violate any of the provisions of subdivisions (1) and (2) of section 1 shall be liable in a civil action by the aggrieved employee or his assignee to judgment for twice the amount of the wages unlawfully rebated or withheld by way of exemplary damages, together with costs of suit and a reasonable sum for attorney's fees: *Provided, however*, That the benefits of this section shall not be available to any employee who has knowingly submitted to such violations.

Civil actions.

SEC. 4. The violations by an employer or any officer, vice-principal, or agent of any employer of any of the provisions of subdivisions (3), (4), and (5) of section 1 shall raise a presumption that any deduction from or underpayment of any employee's wages connected with such violation was wilful.

Deduction presumed wilful.

SEC. 5. If any section, sub-section, sentence or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, sub-section, sentence or clause thereof not adjudged unconstitutional.

Partial invalidity.

Passed the House March 8, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 17, 1939.